

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

### **I. Amendments to the Claims**

Claim 1 has been amended to further distinguish the claimed invention from the prior art relied upon in the rejection discussed below. In addition, new claim 10 has been added.

Support for the amendments to claim 1 and for new claim 10 can be found, at least, in Figs. 3, 4 and 6, and paragraphs [0044] to [0046] of the publication of the present application.

### **II. 35 U.S.C. § 103(a) Rejection**

Claims 1 and 7-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Cole et al. (U.S. 2003/0101645), JP11-56118, Knablein et al. (U.S. 4,291,494), and Lai (U.S. 5,983,562).

Amended independent claim 1 recites an apparatus for producing seedlings that includes a closed-type structure, seedling culture shelves including a plurality of shelf boards disposed within the closed-type structure, a plurality of fans capable of generating an air stream and being installed on each of the seedling culture shelves, a carbon dioxide gas supply unit, and a light-transmitting shield detachably disposed to cover grafted seedlings mounted on each of the plurality shelf boards. In addition, claim 1 recites that the light-transmitting shield includes a plurality of vent holes and includes two side faces that are opposing and non-adjacent side faces of the light-transmitting shield, and recites that the plurality of vent holes are formed only in the

two side faces of the light-transmitting shield, such that the plurality of vent holes are formed only in the opposing and non-adjacent side faces of the light-transmitting shield.

Initially, please note that the above-described 35 U.S.C. § 103(a) rejection acknowledges that Cole, JP11-56118 and Knablein fail to disclose or suggest the structure of the plurality of the vent holes formed in the opposing and non-adjacent side faces of the light-transmitting shield, as previously recited in claim 1. In light of the above, this rejection relies on Lai for teaching the above-mentioned features which are admittedly lacking from Cole, JP11-56118 and Knablein (see page 5 of Office Action). However, in view of the above-identified amendments to claim 1, which further define the structure of the plurality of vent holes of the light-transmitting shield, it is submitted that Lai now fails to disclose or suggest the above-mentioned distinguishing features now required by the structure of the plurality of vent holes of the light-transmitting shield, as recited in amended claim 1.

Rather, Lai requires vent holes 222 and 262 to be formed on all sides of a transparent box 22 and a transparent hood 26, respectively (see Fig. 1 and col. 2, lines 41-54).

Thus, in view of the above, it is clear that Lai requires the vent holes to be located on all sides of the box/hood, but fails to disclose or suggest that the plurality of vent holes are formed only in the two side faces of the light-transmitting shield, such that the plurality of vent holes are formed only in the opposing and non-adjacent side faces of the light-transmitting shield, as recited in claim 1.

Additionally, the Applicants note that Knablein requires vent holes to be located on a single side of a light transmitting shield (see Fig. 1), which also fails to disclose or suggest that the plurality of vent holes are formed only in the two side faces of the light-transmitting shield,

such that the plurality of vent holes are formed only in the opposing and non-adjacent side faces of the light-transmitting shield, as recited in claim 1.

Therefore, because of the above-mentioned distinctions it is believed clear that claim 1 and claims 7-10 that depend therefrom would not have been obvious or result from any combination of Cole, JP11-56118, Knablein and Lai.

Additionally, the Applicants note that new claim 10 recites that each means for varying the open area of each of the plurality of vent holes includes (i) guide frames fixed on an outer face of the light transmitting shield in a longitudinal direction, and (ii) a hole area adjusting plate slidably held by the guide frames and including a plurality of openings varying a size of the open area to adjust a hole area rate between 0% and 100% by slidably moving the hole area adjusting plate along the guide frames in the longitudinal direction.

Knablein teaches that vent holes are opened and closed by rotating a vent cover (see Fig. 1), but fails to disclose or suggest that each of the plurality of vent holes includes (i) guide frames fixed on an outer face of the light transmitting shield in a longitudinal direction, and (ii) a hole area adjusting plate slidably held by the guide frames and including a plurality of openings varying a size of the open area to adjust a hole area rate between 0% and 100% by slidably moving the hole area adjusting plate along the guide frames in the longitudinal direction, as required by claim 10.

As a result, Knablein, as well as Cole, JP 11-56118 and Lai, cannot be relied upon for disclosing or suggesting the limitations required by claim 10. Therefore, because of the above-mentioned distinctions it is believed clear that claim 10 would not have been obvious or result from any combination of Cole, JP11-56118, Knablein and Lai.

Furthermore, there is no disclosure or suggestion in Cole, JP11-56118, Knablein and/or Lai or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Cole, JP11-56118, Knablein and/or Lai to obtain the invention of independent claim 1. Accordingly, it is respectfully submitted that independent claim 1 and claims 7-10 that depend therefrom are clearly allowable over the prior art of record.

### **III. Conclusion**

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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August 24, 2010